

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE MICHAEL CLEMENT CORP.,

Debtor.

No. C 10-1028 PJH/ 10-1030 PJH  
Bankr. Case No. 09-43502 LT

**SUPPLEMENTAL ORDER RE:  
BRIEFING**

On June 4, 2010, the court ordered consolidated briefing in the above cases noting that the appeals are overlapping and involve the same parties and issues. However, it has since come to the court's attention that, not only are the appeals overlapping, they are in essence cross-appeals that were never designated or filed as such.<sup>1</sup> Both parties appeal the bankruptcy court's November 6, 2009 order denying the Alegres' motion for an order deeming a lease rejected, and the bankruptcy court's subsequent orders denying both parties' motions for reconsideration of the November 6, 2009 order. Because the appeals are in essence cross-appeals of the same orders and issues, the court does not need nor desire six separate briefs on appeal in the two cases; however, the court revises and clarifies the briefing schedule to account for the nature of the two appeals as follows.

Because appellants Alegres filed their notice of appeal first and therefore are the appellants in the earlier-filed case, for purposes of briefing, the court will treat the Alegres as the appellants and debtor as the cross-appellant. The deadlines remain essentially the

<sup>1</sup>The court notes that the Alegres filed their notice of appeal first before the bankruptcy court on February 17, 2010, and that debtor filed its notice of appeal a day later on February 18, 2010.

1 same. Pursuant to the court's June 4, 2010 order, the Alegres must file and serve **one**  
2 opening brief not exceeding 25 pages in length on **June 23, 2010**. The debtor must file  
3 and serve **one** opening/opposition not exceeding 25 pages in length within **twenty-one**  
4 **days** of service of appellant's brief. The Alegres must file and serve **one** opposition/reply  
5 brief not exceeding 15 pages in length within **fourteen days** of service of appellees' brief.  
6 The debtor may file and serve a reply brief not exceeding 15 pages in length within  
7 **fourteen days** of service of appellees' brief. The matter will be decided on the papers.

8 **IT IS SO ORDERED.**

9 Dated: June 14, 2010



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11 PHYLLIS J. HAMILTON  
12 United States District Judge  
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